



220 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-25430-2024 (O&M)

Date of decision: 05.07.2024

AMIT @ RINKU

...PETITIONER

V/S

STATE OF HARYANA AND OTHERS

..RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Rajesh Bansal, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

Mr. Hardeep Singh Dhillon, Advocate for
Mr. Arun Gupta, Advocate
for respondent No. 2.

HARPREET SINGH BRAR J. (ORAL)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.677 dated 28.06.2023 under Section 365 of Indian Penal Code (Sections 376(2)(n) of IPC and Section 6 of Protection of Children from Sexual Offences Act added later on) registered at Police Station Panipat City, District Panipat (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise/affidavit dated 14.05.2024 (Annexure P-4).

2. The following order was passed on 20.05.2024:

“This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.677 dated 28.06.2023 under Section 365 of IPC (Sections 376(2)(n) of IPC and Section 6 of POCSO Act added later on) registered at Police Station Panipat City, District Panipat (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise/affidavit dated 14.05.2024 (Annexure P-4).

Learned counsel for the petitioner inter alia contends that the petitioner and alleged daughter of the complainant/respondent No.3 have eloped after falling in love with

each other due to the opposition of the respective families. The relationship between the petitioner and her, is consensual and devoid of any mens rea. He further refers to the marriage certificate as Annexure P-2 as well as statement of respondent No.2 recorded under Section 164 Cr.P.C., in which she has categorically stated that petitioner is her husband and she wants to live with him. The matter has been amicably resolved between the parties and a compromise has been effected. Reliance in this regard can be placed upon the following:-

Sr. No.	Case Title	Court
1.	K. Dhandapani v. The State 2022(2) R.C.R.(Criminal) 987	Hon'ble Supreme Court
2.	Ananda D.V. V. State and others 2021(OLR) 1074	
3.	Kapil Gupta v. State of NCT of Delhi and others 2022(4) R.C.R. (Criminal) 497	
4.	Jatin Aggarwal v. State of Telangana and others 2022(2)R.C.R(Criminal) 603	
5.	Ranjeet Kumar v. State of H.P. and others MANU/HP/2314/2013	Himachal Pradesh High Court (DB)
6.	Narinder Kaur @ Ninder Kaur and others v. State of Punjab and others CRM-M-41204-2020	Punjab and Haryana High Court
7.	Ashik Ramjan Ansari v. The State of Maharashtra and others 2023 CriLJ 3633	Bombay High Court
8.	Sabari v. Indpector of Police, Belukurichi Police Station and others 2019(3) R.C.R(Criminal) 452	Madras High Court
9.	Jitender Kumar Sharma v. State and others 2010(4) R.C.R. (Criminal) 20	Delhi High Court (DB)
10.	Skhemborlang Suting and others v. State of Meghalaya and others MANU/MG/0054/2022	Meghalaya High Court
11.	Tarun Vaishnav v. State of Rajasthan and others MANU/RH/16181/2022	Rajasthan High Court
12.	Kundan and another v. State and others Crl.M.C. 27/2022	Delhi High Court
13.	Devendranath v. State of U.T. Chandigarh and Others CRM-M-23281-2023	Punjab and Haryana High Court



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Moreover, a Full Bench of Delhi High Court in 'Court on its Own Motion (Lajja Devi) Vs. State' 2012 (4) CCR 72, has categorically held that in case the prosecutrix/victim is more than 16 years of age and makes a statement to the effect that she left of her own volition and records a statement indicating that the consent was without any force, coercion or undue influence, the Court will be within its power to accept the statement and quash proceedings under Sections 363 or 376 of IPC. It has been further held that the FIR can be quashed if after attaining the age of majority, she affirms and reiterates her consent.

It is further contended that the date of birth of respondent No.2 is 20.09.2003, as such, she is major and the FIR (supra) can be quashed in view of Court on its Own Motion (Lajja Devi) (supra).

Notice of motion for 05.07.2024.

At this stage, on the asking of the Court, Ms. Geeta Sharma, DAG, Haryana accepts notice on behalf of respondent No.1-State and Mr. Arun Gupta, Advocate accepts notice for respondents No.2 & 3 and files his power of attorney and admits to the factum of compromise. Copy of the paper book be supplied to them during the course of day.

Service is complete.

In the meanwhile, the parties are directed to appear before the learned trial Court/Illaqa Magistrate within two weeks from today or any other date convenient to the trial Court/Illaqa Magistrate, to get their statements recorded regarding compromise and after recording their statements, learned trial Court/Illaqa Magistrate is directed to send report regarding the genuineness of compromise and also to intimate whether any PO proceedings are pending against any of the party on or before the date fixed i.e. 05.07.2024.

A copy of the order be sent to learned trial Court/Illaqa Magistrate through fax for compliance."

3. Thereafter vide order dated 27.05.2024, parties were again directed to appear before the jurisdictional Magistrate and get their statements recorded in support of the compromise.

4. In compliance of the aforesaid orders, a report has been received from the concerned jurisdictional Court that the compromise between the parties is genuine and arrived at without any pressure or coercion from anyone.

5. In view of the compromise and the ratio of law laid down by the Hon’ble Supreme Court in **Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466, Ramgopal and another Vs. State of Madhya Pradesh 2021 SCC OnLine SC 834 and Shakuntala Sawhney (Mrs) Vs. Kaushalya (Mrs.) and others (1980) 1 SCC 63** and Full Bench of this Court in **Kulwinder Singh Vs. State of Punjab 2007 (3) RCR (CrI.) 1052**, this petition is allowed and FIR No.677 dated 28.06.2023 under Section 365 of Indian Penal Code (Sections 376(2)(n) of IPC and Section 6 of Protection of Children from Sexual Offences Act added later on) registered at Police Station Panipat City, District Panipat (Annexure P-1) and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

July 05, 2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No